



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DNW Nov-07

SYNGENTA BIOTECHNOLOGY, INC.
PATENT DEPARTMENT
3054 CORNWALLIS ROAD
P.O. BOX 12257
RESEARCH TRIANGLE PARK NC 27709-2257

COPY MAILED

NOV 02 2007

OFFICE OF PETITIONS

In re Application of :
Katagiri et al. :
Application Number: 09/887272 : DECISION ON PETITION
Filing Date: 06/23/2001 :
Attorney Docket Number: :
1360.003US2 :

This is a decision on the renewed petition under 37 CFR 1.137(b),¹ filed on 15 August, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on 4 October, 2006, for failure to file a timely reply to the non-final Office action mailed on 3 July, 2006, which set a three (3) month shortened statutory period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 12 February, 2007. The petition filed on 16 January, 2007, was dismissed on 6 August, 2007.

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Petitioner requests that the application be revived for copendency with a subsequently filed continuing application. Petitioner states that continuing Application No. 11/654,358 was filed on 16 January, 2007.

Since this application is revived for purposes of continuity only with continuing Application No. 11/654,358, filed on 16 January, 2007, and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of the above-referenced application.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions